

**SAPOA COUNTER PROPOSAL**  
**9-24-2021**

**ARTICLE 28**  
**DISCIPLINARY ACTION**

**Section 9. Arbitrator's Authority**

The award of the Arbitrator shall state whether the Chief's disciplinary decision, which includes the original written statement and charges, is supported in whole or in part by a preponderance of the evidence considering the reliable and probative evidence in the record as a whole.

- **Suspensions.** If the Chief's decision, or any part thereof, is supported by the evidence, the Arbitrator shall uphold a disciplinary action less than an indefinite suspension unless it is arbitrary, unreasonable, or unrelated to the needs of the service.

- **Indefinite Suspensions.** If the Chief's decision, or any part thereof, is supported by the evidence, the Arbitrator shall uphold an indefinite suspension if the Officer's actions demonstrate a substantial shortcoming. A "substantial shortcoming" is defined as a violation or conduct (1) which renders the officer's continuance in office in some way detrimental to effective law enforcement and the needs of the Department, and (2) which the law and sound community expectations recognize as good cause for depriving the officer of his/her position. The Chief and Officer may present evidence to support their position on the matter of the action being considered a substantial shortcoming.

- If the Arbitrator finds the Chief's decision must be modified under the above standards, this agreement authorizes an arbitrator to reduce an indefinite suspension to a period greater than 45-days.